

Lead Based Paint Rule Summary for Tenant Based Section 8

New LBP Paint Rule - Eff. 9/15/00	Old Rule	Implications/Suggestions
<p>Applicability - 1. The unit houses or will house a child under the age of six, and 2. The unit is pre-1978 and not lead free.</p> <p>Although all interior and exterior deteriorated paint must be treated for units covered by the above criteria, safe work practice requirements, and the requirement for clearance do not apply if the deteriorated paint is below the de minimis levels, i.e. less than. 2 sq. ft accumulated per room, 20 sq. ft accumulated on exterior surfaces, 10% of total surface area of interior or exterior components with small surface area, e.g., trim, baseboards. See 35.1350. and page 50149 and 50156 of the Preamble to the regulation.</p> <p>Based upon: 1. Exemptions cited in 35.115: (a)(1) post-1978 structures, (a)(2) zero br units, (a)(3) Housing for elderly unless housing a child under the age of 6, (a)(4) lead free unit; and 2. Applicability criteria at 35.1200(b) stating that Part M covering Tenant Based Rental Assistance applies only to unit occupied or to be occupied by a child under the age of 6, and common areas servicing a dwelling unit including areas through which the resident must pass to gain access to the unit and other areas frequented by resident children under the age of 6, including onsite play areas and child care facilities.</p>	<p>1. Unit houses or will house a child under the age of six, 2. The unit is pre-1978 and not lead free and 3. Paint treatment is required only above the de minimis level, i.e. 2 sq. ft accumulated per room, 10 sq. ft accumulated on exterior surfaces, 10% of total surface area of interior or exterior components with small surface area, e.g., trim, baseboards). 982.401(j)(1) and (3)</p>	<ul style="list-style-type: none"> • Conduct aggressive outreach to owners with post-1978 units and lead free units. This may also tie in with outreach efforts for poverty deconcentration purposes. Newly constructed Low Income Tax Credit units are particularly important to identify because, in addition to all being post-1978 structures (again only new construction), they also carry the requirement to house Section 8 families. • Lead free and post-1978 units should be identified as such on the list of owners maintained by the PHA. • Briefings and counseling for families with children under the age of 6 should emphasize consideration of lead free and pre-1978 units on the referral list. • Landlord education should emphasize ongoing maintenance of paint conditions, which will minimize the extent of deteriorated paint. • Marketing to owners should point out the advantages of compliance with LBP safety procedures. As increasing numbers of children are tested for lead blood level, owners, subsidized or otherwise will increasingly encounter the liabilities related to housing EIBL children.
<p>Inspection - Surfaces covered:, “all paint surfaces” including all outbuildings, play areas, common areas thru which children pass. A visual assessment is to be conducted by a person trained to do so, following procedures established by HUD. (Remember all paint surfaces still require inspection without regard to lead in order to meet the acceptability criteria of 982.401(g) Structure and Materials as relates to “loose surface materials.”)</p>	<p>All interior paint surfaces, Exterior surfaces 5 ft from floor or ground, no outbuildings. 982.401(j)(3)(iv)</p>	<ul style="list-style-type: none"> • Change inspection protocol to add new areas covered, • Inspection checklist should include added areas requiring inspection, whether clearance is required and if so whether clearance test passed. HUD is revising form. And Quality Control should ensure that age of unit and number of children under age of 6 and ebl children are noted as required on the inspection form. • Train staff (training available on HUD web site est 7/00) • Incorporate into PHA’s HQS quality control reviews • educate landlords.
<p>Definition of Deteriorated Paint - Any interior or exterior paint or other coating that is <i>peeling, chipping, chalking, or otherwise damaged or separated</i> from the substrate. 35.110</p>	<p>Defective paint is defined as a surface on which the paint is <i>cracking, scaling, chipping, peeling or loose.</i></p>	<p>Same as above - Note the addition of chalking as a condition and separation from substrate.</p>
<p>Treatment of deteriorated paint called “paint stabilization”, now includes repair of defective substrate, e.g. dry rot, rust, etc. To be</p>	<p>“Paint repair” did not require repair of substrate conditions</p>	<p>Same as above - Note requirement to address substrate conditions.</p>

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<p>accomplished, if unit is occupied, within 30 days of notice to owner.</p> <p>Clearance: Section 8 administrator responsible for assuring clearance process by certified personnel be conducted for paint stabilization above de minimis levels on nonexempt units. The unit must pass clearance in order to pass HQS. Clearance includes a visual assessment to determine if deteriorated conditions are still present, dust wipe sampling of floors, window sills and window troughs, submission of samples for analysis for lead interpretation of sampling results, and preparation of a report.</p> <p>Clearance must be conducted for entire unit, not just where work is conducted. Entire unit means at least four rooms.(pg. 50178 Preamble)</p> <p>Cost estimates for clearance vary but estimates of \$150 to \$200 are common.</p> <p>Turnaround time for analytic laboratories are normally 48 hours however 24 hour turnaround is possible at greater cost.</p> <p>The website Ohio Dept. of Health Office of Lead Poisoning Prevention has lists of licensed lead inspectors and Risk Assessors certified to do clearance, as well as laboratories that are certified.</p> <p>It also contains info on the process of getting licensed, and much more.</p> <p>http://www.odh.state.oh.us/odhprograms/lp_prev/General/lp_gen1.htm</p> <p>See 35.1340 for details. See attached excerpt from the HUD/CDC/EPA publication - Lead Paint Safety</p>	<p>No clearance requirement.</p>	<ul style="list-style-type: none"> • PHA must decide how clearance will be accomplished in a timely manner. Possible options: ✓PHA getting staff licensed so they can perform clearance (liability and insurance implications on this option), ✓Partnering with local governmental entities to perform clearance or facilitate it, ✓ Provide owners with a list of certified contractors they can contact to obtain clearance services. • PHAs should forecast clearance workload and re-flowchart leasing process, incorporating this new action, to minimize loss of time. • Record keeping procedures should be developed to ensure documentation is maintained. • Revise unit/HAP approval procedures to include new step of clearance. • Train/Educate landlords and staff.
<p>Notice requirements - See 35.1215 - 1. Lead hazard pamphlet per 35.1210(b) by owner, unless another party has provided the pamphlet per 35.130 and Preamble pg.50175. 2. Notice of results of clearance results per 35.125(b)(1) & (c) by owner. 3. Notice by owner of evaluation or paint stabilization per 35.125. Notice related to ongoing maintenance requesting a report back from the tenant on deteriorated paint. 4. Notice by owner of presence of known LBP or known LBP hazards, including attaching notice to the lease prior to the lessee is obligated to sign lease the unit. (Subpart A of Part 35). See additional</p>	<p>Hazards of LBP pamphlet from PHA in briefing packet (982.301(b). Notice from owner to PHA and family of any knowledge of presence of LBP. 982.402(j)(8).</p>	<p>Obtaining acknowledgment of receipt of the pamphlet is recommended. Since the requirement to provide the pamphlet changes from being the PHA's responsibility to that of the owner, it is important to make sure the owner is made aware of this change. PHAs may want to consider retaining the function of distributing the pamphlet with the briefing packet, even though that requirement (982.301(b)(10) has been dropped. As noted in the reference to 35.130, the owners requirement to provide the pamphlet can be met if it has been fulfilled by another party.</p>

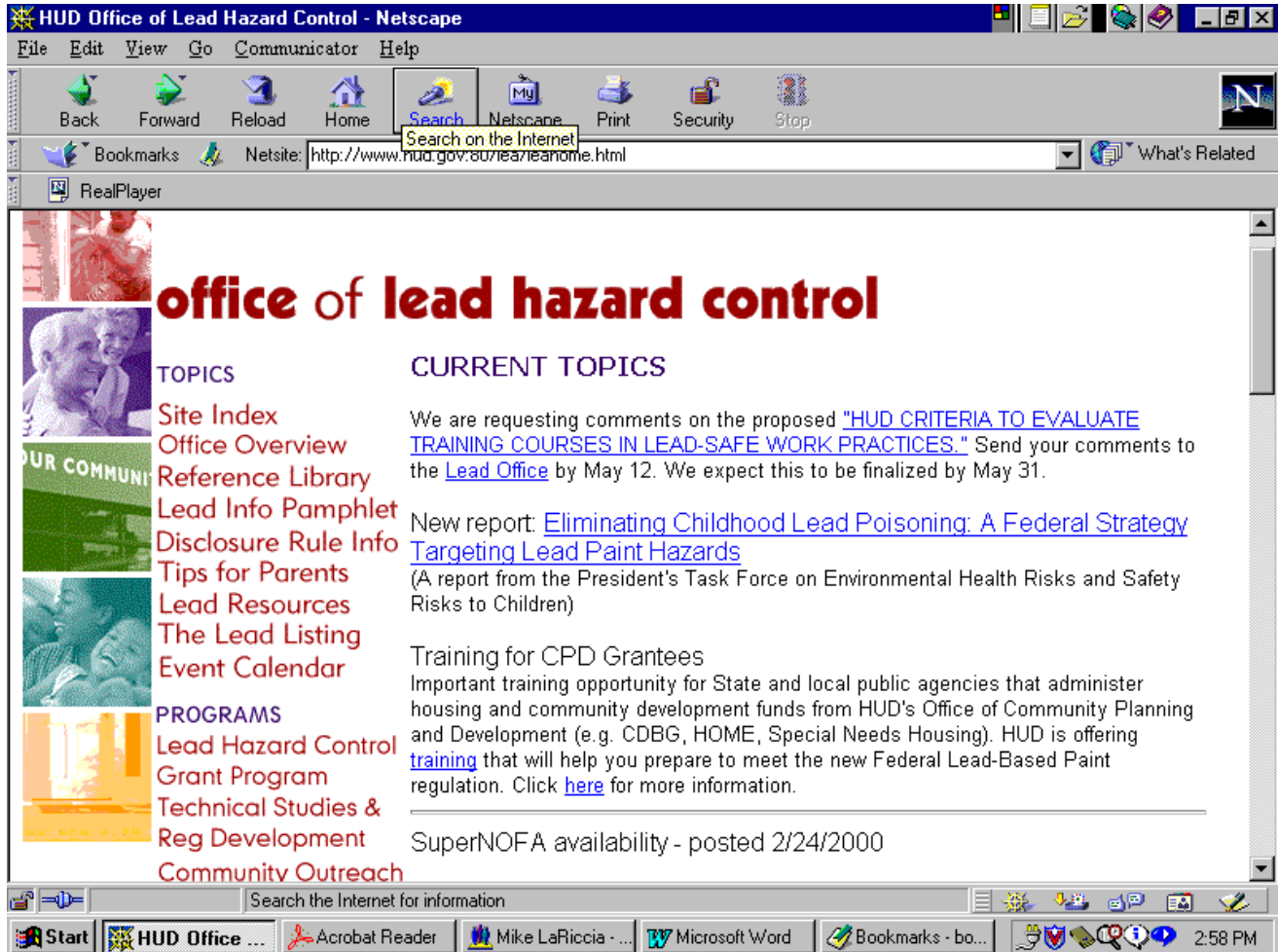
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detail in 35.80 to 35.96.		Also note that the owner notice of known hazards is now covered in Subpart A of Part 35, which now appears as Subpart H in the rule, but has been redesignated as A.
Ongoing Maintenance requirement - Owner shall insert ongoing LBP maintenance activity into building operations per 35.1355(a), i.e. visual assessment of paint, bare soil and failure of any hazard reduction shall be performed at unit turnover and every 12 months. Any deteriorated paint will be stabilized, and any bare soil shall be treated followed by clearance. Each unit will be provided with written notice asking occupants to report deteriorated paint and if applicable failure of encapsulation, along with the name and phone number of a person to contact. 35.1220 & 35.1355(a)	No prior requirement	<ul style="list-style-type: none"> • Landlord training on new responsibilities • Written notification of owners of their responsibilities is recommended until any contractual forms are changed to reflect this requirement. • LBP regulations technically call for the designated party, i.e. the PHA to respond to a report from a resident and to paint or repair within 30 days. Clearly this intended for the owner, but the PHA may want to explicitly delegate this responsibility to the owner as the PHA may.
<p>Child with environmental intervention blood lead level 35.1255 - Within 15 days of notification by a public health dept. or other medical health care provider that a child under 6 living in an assisted unit has been identified as having an EIBL, the PHA must have a risk assessment done of the unit the child lived in at the time the blood sample was taken, unless a public health department has conducted an evaluation of the unit. The risk assessment must immediately be provided to the owner. Within 30 days of receiving the risk assessment, the owner shall complete LBP hazard reduction activities, including clearance. This may include abatement or interim controls that address all hazards identified in the risk assessment.. If hazard reduction culminating in clearance has not been completed, the unit fails HQS for this or any subsequently assisted family. The owner must notify all building residents of any evaluation or hazard reduction activities.</p> <p>If a public health dept. has already conducted an evaluation of the unit, a PHA risk assessment is not required.</p> <p>If the child has moved from the unit and the unit houses another assisted family or another assisted family plans to live there, the same intervention requirements apply to that unit.</p> <p>The PHA shall report the name and address of any child identified as having an EIBL to the public health dept. within 5 working days of being so notified by any other medical health care</p>	<p>If child is determined to have an EBL, all chewable surfaces (protruding painted surfaces up to 5 ft. From the floor) the unit must be tested for LBP, and identified LBP treated. 982.402(j)(4).</p>	<ul style="list-style-type: none"> • Note change in terminology, i.e. <i>environmental intervention blood level</i>, which distinguishes between an elevated blood level of lead that is cause for concern (the CDC's 10ug/dL) from one that merits intervention - evaluation and hazard reduction (20ug/dL single test, or 15-19ug/dL from two tests taken 3 to 4 months apart). • A PHA procedure should be in place to handle EIBL cases. • PHA staff should be trained on the procedure. • A protocol with the local health dept. should be established to facilitate quick action on EIBL cases. • PHAs should maintain a list of units made ineligible by the owners failure to address lead hazards identified as a result of an EIBL child.

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<p>professional.</p> <p>After receiving information from other than public health dept. or other medical health care provider that a child under 6 has a EIBL, the PHA shall immediately verify the inf. with the public health dept.. If verified, the PHA must undertake the above listed interventions.</p>		
<p>Safe Work Practices - 35.1350 referencing: 35.140 Prohibited Methods, and 35.1345 Occupant Protections. Apply accept to de minimis levels of work. Prohibited</p>	<p>982.401(j)(6) Treatment methods and requirements.</p>	
<p>Occupant Protection - 35.1345 - Interior treatment disturbing lead paint, known or presumed must be conducted in a manner protecting residents and their belongings. Relocation of residents is not required if: 1. The work is completed in 8 hrs., the work site is contained so as to prevent release of dust and does not create other hazards, or 2. Treatment of the interior will be completed in 5 days, the work site is contained as above, and at the end of work each day the work site and an area within at least 10 ft. of the containment area is cleaned to remove any visible dust and debris, and occupants have safe access to sleeping areas, bathroom and kitchen facilities.</p> <p>Occupant's belongings must be relocated to a safe and secure area outside the containment area, or covered with a sealed impermeable cover. Warning signage must be posted. Worksite must be prepared to prevent release of dust, chips and debris.</p>	<p>982.401(j)(7) - Owner must take appropriate action to protect residents and their belongings. Residents must not enter spaces undergoing treatment until after cleanup. Personal belongings must be relocated or protected.</p>	<p>Educate owners and voucherholders.</p>
<p>Data Collection and Recordkeeping - The HA must, at least Quarterly, attempt to obtain from the public health department(s) with jurisdictions similar to the PHA, the names and addresses of children under the age of 6 with an identified environmental blood lead level. At least quarterly the PHA must report an updated list of the addresses of units receiving assistance under the tenant-based rental assistance program to the same public health department(s), unless the public health department states it does not wish to receive the reports. If the PHA receives the names and addresses of environmental intervention blood level children, the PHA must match these names and addresses with those on the tenant based program. If the match occurs the PHA must act in accordance with 35.1225, described above. 13225(f)</p>	<p>HA must attempt annually to obtain from local Health Agencies the names and addresses of EBL children and match this with the names and addresses of program participants. If there is a match, the HA must determine if health officials have tested for LBP. If LBP was found, the owner must treat the paint. PHA inspection reports must be maintained for 3 yrs. If the unit requires testing, records must be kept indefinitely. 982.402(J)(9)</p>	<p>PHAs should consult with local public health departments about the new regulation and determine if they want quarterly reports of children on the Voucher program. The PHA should also request quarterly reports. The PHA should document its efforts and maintain documentation of the receipt and submission of reports.</p>

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See HUD's Office of Lead Hazard Control web site:
<http://www.hud.gov:80/lea/leahome.html>

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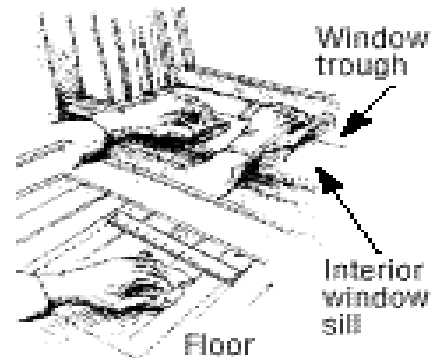
Testing Dust for Lead

By having dust wipe samples taken, job supervisors and property owners can locate dust lead hazards and test the effectiveness of cleaning at the end of a job.

Where Are Dust Samples Taken?

Samples are taken in the area of the dwelling where work has been completed. The following surfaces within the work area should be sampled:

- Floor
- Interior window sills (*also referred to as window stools*)
- Window troughs



When Should Dust Samples Be Taken?

- At the end of a job
- If there is a child or pregnant woman living in the home
- Before a family moves into a home

What Do the Results Mean?

The results of the laboratory analysis will show the amount of lead found in the dust from the area sampled. The results are measured in micrograms per square foot ($\mu\text{g}/\text{ft}^2$).

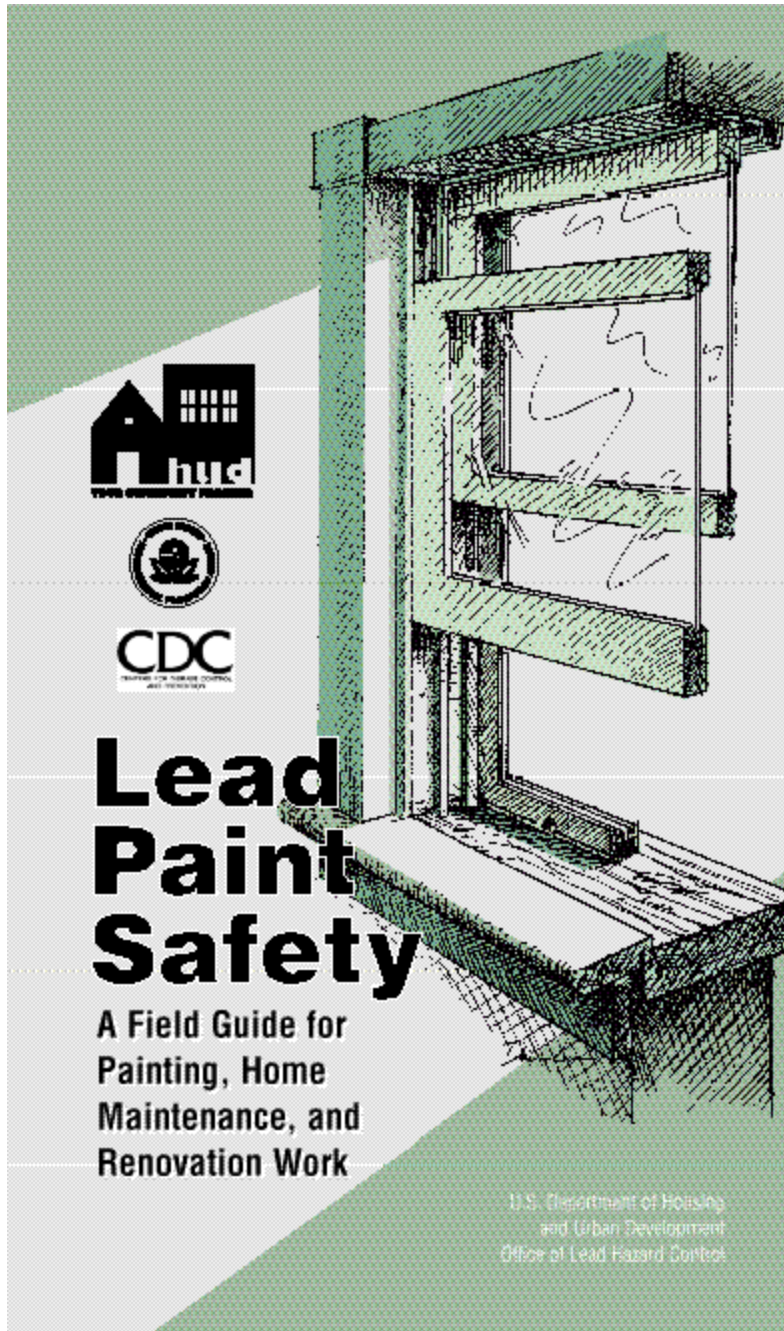
To determine if a lead-based paint hazard exists, based on HUD's requirements as of winter 1999, compare the results to the following standards.

- 100 $\mu\text{g}/\text{ft}^2$ on the floor
- 500 $\mu\text{g}/\text{ft}^2$ on the interior window sill (stool)
- 800 $\mu\text{g}/\text{ft}^2$ in the window trough

HUD-assisted, and some federally-owned housing: After 9/14/2000, use 40 for floors, 250 for sills, and use trough value only for clearance.

If the results for a sample are higher than these standards, a dust lead hazard is present.

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This document is available on the HUD Office of Lead hazard Control website.

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The HUD HQS Inspection form is being revised to update it on the 9/15/99 LBP regulations.

Inspection Checklist

Section 8 Tenant-Based Assistance
Rental Certificate Program
Rental Voucher Program

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(Exp. 9/30/2002)

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number. This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program.

Name of Family	Tenant ID Number	(mm/dd/yyyy)
Inspector	Neighborhood/Ce	(mm/dd/yyyy)
Type of Inspection <input type="checkbox"/> Initial <input type="checkbox"/> Special <input type="checkbox"/> Reinspection	Date of	
A. General Information		
Inspected Unit	Year Constructed (yyyy)	Housing Type (check as appropriate)
Full Address (including Street, City, County, State, Zip)		<input type="checkbox"/> Single Family Detached <input type="checkbox"/> Duplex or Two Family <input type="checkbox"/> Row House or Town House <input type="checkbox"/> Low Rise: 3, 4 Stories, Including Garden Apartment <input type="checkbox"/> High Rise: 5 or More Stories <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Congregate
Number of Children in Family Under 6	Number of Children in Family With Elevated Blood Lead Level	
Owner		

Ensure that Age of Unit and number of children under age of 6 and EBL children info is listed on inspection form.

Ensure that right version of form is being used. Older forms did not have unit age and info on children.

form HUD-52580 (9/95)
ref Handbook 7420.8